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In re Application of
Ole Mathiassen
Application No.: 09/331,501
PCT No.: PCT/Dk97/00564
Int. Filing Date: 11 December 1997
Priority Date: 14 December 1996
Attorney's Docket No.: 196-1187
For: ELECTRIC MOTOR

DECISION ON
PAPERS FILED
UNDER RENEWED
REQUEST 37 CFR 1.42
AND 1.44

This is a decision on the "first renewed request under 37 CFR 1.42 and 1.44" filed 31 March 2000.

BACKGROUND

On 27 September 1999, applicants' representative submitted a declaration signed by, Ib Mathiassen, an executor of Ole Mathiassen (the inventor, now deceased) in order to satisfy the requirement under 35 U.S.C. 371. Applicant representative also provided the surcharge fee required under 37 CFR 1.492(e) and a certificate of the clerk of the court.

In addition, to the above, applicants' representative submitted a supplemental letter on 27 September 1999 that was accompanied by, inter alia, a notarized certificate of the Court of Sonderborg, Denmark, and a translation, evidencing the death of the inventor, and proving the authority of Ib Mathiassen and Inger Elisabeth Mathiassen as heirs.

The request for status under 37 CFR 1.42 and the proof of authority under 37 CFR 1.44 were not accepted as conveyed in the decision of 15 March 2000.

Applicant filed this renewed request so that the Patent and Trademark Office reconsider the requirement that the execution be by both Ib Mathiassen and Inger Elisabeth Mathiassen in their capacities as legal representatives of estate. Applicant's representative alleges that as "long as Ib Mathiassen has proper authority, then only the signature by Ib Mathiassen is all that is needed."

DISCUSSION

Papers submitted on 27 September 1999 by applicant's representative to the PTO by "The Court of Sonderborg" indicates that the probate court granted the administration of the estate of Ole Mathiassen (now deceased) to the heirs, Ib Mathiassen and Inger Elisabeth Mathiassen on 07 May 1999. It is unclear from this court document whether both signatures are needed as executors for the estate of Ole Mathiassen or that whether a signature from either executor would be sufficient as a legal representative of the estate.

Further, an additional document, SKIFTEFULDMAGT, submitted to the PTO on 27 September 1999 appears (since no translation has been provided) to state that both Inger Elisabeth Mathiassen and Ib Mathiassen are both legal representatives of Ole Mathiassen's estate. As above, it is unclear whether one signature would suffice as legal representative of the estate when two persons are named as executors under Denmark's law.

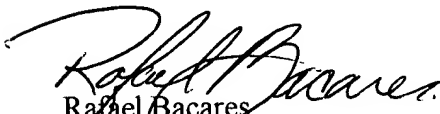
Accordingly, until this is clarified, that is, that Ib Mathiassen has proper authority to sign as the legal representative of the estate without the additional signature of Inger Elisabeth Mathiassen, the signatures of both legal representatives, Ib Mathiassen and Inger Elisabeth Mathiassen, are needed in order to satisfy the requirements under 37 CFR 1.42.


CONCLUSION

For the above reasons, the request under 37 CFR 1.42 and 1.44 are not accepted.

Applicant is afforded TWO (2) Months from the mail date of this decision to satisfy all the requirements under 37 CFR 1.42. Any reconsideration request should include a cover letter entitled "Renewed request Under 37 CFR 1.42 and 1.44." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the PCT Legal Office.


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